

El Salvador

 freedomhouse.org/report/freedom-press/2014/el-salvador

Freedom of the Press

El Salvador's constitution protects press freedom, and Salvadoran journalists are generally able to report freely. Critical coverage of the government and opposition parties is for the most part permitted, and slander, libel, and defamation were decriminalized in 2011. However, a new press law requires media outlets to publish or broadcast word-for-word "responses" from anyone who feels offended by any content. The Special Law for the Right to Rectification or Response, approved by the legislature in July 2013, allows for jail sentences of one to three years for media outlets that fail to publish verbatim letters of response within a three-day period. The law applies to newspapers, television, radio, and online outlets, including blogs. However, it does not make clear what is considered offensive or who decides whether someone has been offended. A similar law, also passed in July, criminalized the defamation of presidential candidates, even though criminal defamation had been otherwise abolished two years earlier. Bowing to pressure from civil society groups, President Mauricio Funes vetoed that measure.

The Access to Public Information Law, which took effect in 2012, was named in 2013 as one of the top 10 laws of its kind in the annual global ratings prepared by Access Info Europe and the Halifax-based Centre for Law and Democracy. The rankings measure only the strength of the law itself, not compliance or implementation in practice. In February 2013 the Legislative Assembly attempted to weaken the law by stripping the information access institute of its independent powers to make documents public and force government agencies to respond to information requests. However, President Funes vetoed the changes, and in late February, after 15 months of delay, he appointed commissioners to the institute, which will oversee compliance with the law. Funes also announced that some 40,000 documents had been made public and posted online. The information access institute still lacks funding, and the legislature continues to challenge its authority. For example, in October the institute rejected the assembly's decision to provide only aggregate and partial information regarding legislative aides. The assembly nevertheless refused to provide a complete list of names, salaries, and other information, planned to challenge the institute's rulings in court, and threatened further revisions of the information access law.

The 1997 Telecommunications Law does not recognize community media outlets, making it all but impossible for such stations to obtain operating licenses. In July 2013, a coalition of journalist organizations, community media, academics, and civil society organizations presented a proposed community media law to the legislature, and in September the group issued a statement calling on the government to approve the bill. Separately, the Supreme Electoral Tribunal (TSE) ruled in October that several media companies had run campaign advertisements that constituted "dirty campaigning," and established sanctions for the companies involved. However, the TSE has no statutory authority to issue such a ruling, and the sanctioned companies complained they had been unfairly targeted.

Although El Salvador is generally a safe place to practice journalism, there are still sporadic threats and acts of violence against media workers, especially in provincial areas. In January 2013 a news crew for the television station Canal 12 was threatened at gunpoint after covering a court hearing for three suspects accused of participating in a shootout in the capital, San Salvador. The crew, which filmed the incident, had previously received death threats for covering the trial. Police quickly arrested a suspect, although he denied making the threats. The Association of Salvadoran Journalists (APES) in December reported that it had documented eight incidents of aggression against journalists during the year. Most were attributed to the National Civil Police or private security forces contracted by government agencies. Self-censorship

was also a problem in 2013, according to APES, particularly in relation to reporting on organized crime and drug trafficking. Many journalists covering these subjects face threats and harassment, and fear reprisals for their reporting.

The concentration of ownership is an obstacle to a diverse and broadly representative media landscape. There are four daily newspapers, but the print sector is dominated by two powerful families that publish the leading dailies and numerous smaller periodicals. Most of the country depends on privately owned television and radio networks for news, and ownership in the broadcast sector is also highly concentrated. The Telecorporación Salvadoreña owns three of the five national television networks, in addition to a host of radio stations. Community radio has been stifled by the restrictive provisions of the Telecommunications Law. Some 23 percent of the population accessed the internet in 2013, and there were no reported government restrictions on the medium. Online newspapers such as *El Faro* and *ContraPunto* are known for their independent investigative journalism.

Limited resources prevent many media outlets from producing to their full capacity, and reporters often exercise self-censorship to avoid offending media owners, editors, and government officials. This problem is particularly pernicious in connection with government press advertising. Although exact data are not publicly available, government advertising represents a substantial percentage of outlets' revenue, creating an incentive for publishers to avoid antagonizing officials.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

39

Legal Environment

(0 = best, 30 = worst)

9

Political Environment

(0 = best, 40 = worst)

16

Economic Environment

(0 = best, 30 = worst)

14

